

PLANNING COMMISSION MINUTES OF JULY 11, 2005

2005-0497 – MV Development [Applicant] **AIP Steward Inc** [Owner]: Application for related proposals on 2.6-acre site located at **848 Stewart Drive** (near De Guigne Dr) in an MS (Industrial & Service) Zoning District. (Negative Declaration) (APN: 205-26-003) GC;

- **Use Permit** to allow the subdivision of an existing Industrial building into 9 condominium units,
- **Tentative Map** to subdivide 1 lot into 9 condominium lots and one common lot

Gerri Caruso, Principal Planner, presented the staff report. This is for a Use Permit and Tentative Map to divide an existing industrial building into individual ownership condominiums. There would be no changes to the exterior architecture and there would be upgrades to the parking and landscaping areas to meet current code standards. There was a request by a commissioner for clarification of a Condition of Approval (COA) regarding bike parking and VTA (Valley Transportation Authority) standards. Staff has calculated that requirement that was not originally included in the COAs. The requirement is for 11 Class 1 spaces and two Class 2 bike storage spaces. Staff is recommending the COA be modified to include these numbers and also allow the applicant to include in their CC&Rs (Conditions, Covenants and Restrictions) that the tenants be required to include the ability for one employee to park a bike inside as a way to achieve that standard. Staff is recommending approval with the findings in Attachment A and the COAs in Attachment B with the modifications discussed.

Comm. Babcock asked staff about Attachment E, page 1 of 3, which is a letter from the applicant. In the letter it says that there are currently five businesses interested in the condominiums, one being a wholesale bookstore. She asked how this type of business fit with the parking that is recommended. Ms. Caruso said retail uses can be approved using the MPP process. With the wholesale use, the parking would probably be based on the industrial rate. Comm. Babcock asked if each of these businesses would have to get a Use Permit. Ms. Caruso said no, that if the use is listed in the COAs and the general conditions the use would be allowed by right. The wholesale bookstore would fall into the general industrial or warehouse use.

Comm. Klein asked staff about the bicycle parking and what the VTA Bicycle Technical Guidelines would be for this site. Ms. Caruso said they are 1 per 6000 sq. ft., with 75 % to be Class 1 and 25% to be Class 2. Comm. Klein asked for clarification about what COA 11. D. means, which reads, "Upgrade existing fire hydrant on DeGuigne Drive to Clow-Rich 75." Ms. Caruso said she does not know what "Clow-Rich 75" means, but that it is a condition that Public Works requires.

Comm. Sulser asked for clarification about the site layout, as it is physically one building, but the report talks about Building A, Building B, and Building C. Ms. Caruso said her understanding is, that is how it will be divided as part of the project.

Chair Hungerford said he thought there was a process in place to notify residents if a building was being changed to condominiums. Ms. Caruso said she knows this applies to residential condominiums, but not industrial condominiums. If there is a process, tenants will be notified.

Guy Denués, architect for the project, commented on some of the Commission's earlier questions. He said that there is one large building with a two-story section on one side, a one-story section in the middle and a higher two-story section at the other end. He said he will notify the one existing tenant of the change to condominiums. The intent is to take the big warehouse and break it down into smaller, manageable spots that would appeal to a small business owner. Staff has provided the COAs and the applicant is continuing to work through these.

Comm. Moylan, referencing a diagram in the attachments, asked the applicant for clarification about how the building is broken up to create the nine units. Mr. Denués explained the layout in the diagram, with 6 units downstairs and three units upstairs.

Chair Hungerford opened the public hearing.
Chair Hungerford closed the public hearing.

Comm. Moylan moved to approve. Comm. Simons seconded.

Ms. Caruso added that staff is changing the COA regarding bike parking with the numbers mentioned earlier and that the tenants will have an option to make those indoors.

Comm. Simons asked for a Friendly Amendment to keep the Class 1 and Class 2 requirement, outside, and if they want to add internal parking as needed, that would be desirable. Comm. Simons said he would like to leave the requirements as outside parking and if they want additional parking inside, they can do that. He would rather the indoor bike parking be an additional option rather than a requirement in the CC&Rs. Comm. Moylan declined the Friendly Amendment. Comm. Simons commented that he has seen too many businesses turn the internal bike parking into storage areas and this makes them a complete waste.

Comm. Moylan made a motion on Item 2005-0497 for Alternative 1. to adopt the Negative Declaration and approve the Use Permit and Tentative Map with attached conditions including staff's clarification to COAs to include the requirement for 11 Class 1 spaces and two Class 2 bike storage spaces with the option to make those indoors. Comm. Simons seconded.

Motion carried 6-1, Comm. Simons dissenting.

Item is appealable to the City Council no later than July 26, 2005.